

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figs. 1 and 2.

Attachment: Replacement Sheet

### **Remarks**

This is a response to the outstanding office action dated May 14, 2008.

As a preliminary matter, the office action rejected the drawings as not showing every feature of the invention specified in the claims. Accordingly, Figures 1 and 2 have been amended without adding new matter. Shading has been added to Figure 2 to illustrate that the mask layer is formed of a semi-transparent material. Similar shading is already present in Figure 1. Additionally, a graphical representation of the claimed textured surface to which paint can adhere was added to Figure 1 and identified by reference numeral "11". Similarly, numeral "11" is added to the specification at page 8, line 31. These amendments to the drawings and specification add no new matter.

Claims 25-28 and 34-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,866,220 to Rusincovitch, hereinafter "*Rusincovitch*," in view of U.S. Patent No. 4,420,520 to Jones, hereinafter "*Jones*."

Applicant respectfully traverses the above rejection.

The present invention relates to paint masking of vehicle bodies. Paint masking is typically done to protect one area from being accidentally painted while another adjacent area is being painted on purpose. For this application, it may be desirable to have a masking film that does not require the use of tapes and bags, as they can make the process more time consuming and less reliable. It is also desirable to have a mask that matches the shape of the area that is to be protected and that is see-through in order to be able to properly align the mask using marks on the vehicle. Furthermore, the masking should be easily removable and not leave a residue, or otherwise visually alter the underlying surface.

The present invention overcomes at least one of the deficiencies of the prior art by providing a thin, flexible mask that is semi-transparent and capable of being releasably bonded to a painted surface. Additionally, the mask is cut to the shape of the corresponding portion to

be masked and is textured on the exterior side to allow paint to adhere, thereby reducing loose paint dust particles which can contaminate a paint shop.

The combination of *Rusincovitch* and *Jones* does not teach the present invention. *Rusincovitch* is directed to an initially repositionable wall covering. The primary focus of *Rusincovitch* is a decorative sheet that uses ink spacers that are non-sticky or non-tacky to render the sheet initially repositionable. (Col. 2, lines 40-52.) The decorative sheets are meant to be anchored to the wall once the sheets are properly positioned. (Col. 2, lines 65-67.) For use in these permanent adhesives, compositions comprising silicone are particularly preferred. (Col. 8, lines 11-12.) Furthermore, *Rusincovitch* specifies that the substrate of the sheet should be at least opaque, and preferably non-transmissive. (Col. 7, lines 50-53.)

In contrast, the present invention deals with providing a mask that is releasably bonding to a painted surface, preferably with a non-silicone adhesive material. (Col. 8, lines 25-26.) Also, the adhesive will not transfer to the painted surface during use. (Col. 4, line 5.) *Rusincovitch* therefore teaches the use of an adhesive contradictory to the present invention and is silent on the matter of transfer to the painted surface and ability to be releasably bonded to the painted surface. *Rusincovitch* teaches away from the claimed semi-transparent mask, preferring an opaque substrate. *Rusincovitch* is also silent on the masked layers being cut into the shape of a corresponding portion of a vehicle body. *Rusincovitch* also does not teach the textured surface to which paint can adhere limitation of claim 1.

Accordingly, Applicant respectfully submits that the combination of *Rusincovitch* and *Jones* is improper and does not teach the limitations recited in claim 25.

Claims 26-28, 34, and 35 depend either directly or indirectly on claim 25 and are patentable under 35 U.S.C. § 103(a) over *Rusincovitch* and *Jones* for at least the same reasons as claim 25. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. rejection of claims 25-28, 34, and 35.

Claims 30-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rusincovitch* in view of *Jones* and further in view of U.S. Patent No. 5,008,139 to Ochi, hereinafter "*Ochi*." Applicant respectfully traverses this rejection.

Each of these claims depend either directly or indirectly from claim 25. As shown above, the combination of *Rusincovitch* and *Jones* is improper and does not teach the limitations of claim 25. *Ochi* does not remedy the deficiencies of the combination of *Rusincovitch* and *Jones*. As such, claims 30-33 are patentable.

Claims 39 and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rusincovitch* and *Jones* and further in view of U.S. Patent No. 6,183,580 to Harrell, hereinafter "*Harrell*." Applicant respectfully traverses this rejection.

Claim 39 is patentable under 35 U.S.C. § 103(a) over *Rusincovitch* in view of *Jones* and further in view of *Harrell*. Claim 39 recites similar limitations as claim 25, with additional limitations of being used in a two-tone painting process and having perforated cuts. As discussed above, the limitations are not obvious in view of *Rusincovitch* and *Jones*. *Harrell* does not overcome these deficiencies, as such, claims 39 and 40 are patentable. Claim 40 is dependent from claim 39 and is patentable for at least the same reasons listed above.

Claim 38 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rusincovitch* and *Jones* and further in view of U.S. Patent No. 6,284,319 to Langeman, hereinafter "*Langeman*." Applicant respectfully traverses this rejection.

Claim 38 has recited similar limitations to claim 25, with the additional limitation of a two-tone, wet-on-wet painting process. As discussed above, the limitations of claim 25 are not obvious in view of *Rusincovitch* and *Jones*. *Langeman* does not overcome these basic deficiencies, as such, claim 38 is patentable.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and

substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

The three month Petition fee of \$525.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

**JOHN SYRON**

By /John E. Nemazi/  
John E. Nemazi  
Reg. No. 30,876  
Attorney for Applicant

Date: August 14, 2008

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351